

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 431 be amended to read as follows:

- 1 Page 1, line 6, delete "stormwater" and insert "**storm water**".
- 2 Page 5, between lines 34 and 35, begin a new paragraph and insert:
- 3 "SECTION 13. IC 13-18-12-8 IS ADDED TO THE INDIANA
- 4 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 5 [EFFECTIVE UPON PASSAGE]: **Sec. 8. (a) If a person who**
- 6 **operates a publicly or privately owned wastewater treatment**
- 7 **plant:**
- 8 **(1) discovers that a contaminant has entered the wastewater**
- 9 **treatment plant that would pose a threat to human health or**
- 10 **animal life if the contaminant is not effectively treated before**
- 11 **the contaminant is discharged into the waters of Indiana; and**
- 12 **(2) determines the wastewater treatment plant is not able to**
- 13 **effectively treat the contaminant;**
- 14 **the person must notify the department of the presence of the**
- 15 **contaminant at the wastewater treatment plant not more than**
- 16 **twenty-four (24) hours after the person determines the wastewater**
- 17 **treatment plant is not able to effectively treat the contaminant.**
- 18 **(b) If the department receives notification from a wastewater**
- 19 **treatment plant under subsection (a), the department must:**
- 20 **(1) notify all appropriate state and local government agencies;**
- 21 **and**
- 22 **(2) begin notifying the media;**
- 23 **not more than forty-eight (48) hours after receiving the notification**
- 24 **under subsection (a)."**

Page 6, between lines 21 and 22, begin a new paragraph and insert:
 "SECTION 15. IC 13-30-6-1 IS AMENDED TO READ AS
 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 1. (a) A person who
 intentionally, knowingly, or recklessly violates:

- (1) environmental management laws;
- (2) air pollution control laws;
- (3) water pollution control laws;
- (4) a rule or standard adopted by one (1) of the boards; or
- (5) a determination, a permit, or an order made or issued by the
 commissioner under environmental management laws or IC 13-7
 (before its repeal);

commits a Class D felony.

(b) Notwithstanding IC 35-50-2-7(a), a person who is convicted of
 a Class D felony under this section (or IC 13-7-13-3(a) before its
 repeal) may, in addition to the term of imprisonment established under
 IC 35-50-2-7(a), be punished by:

- (1) a fine of not less than ~~two five~~ thousand ~~five hundred~~ dollars
~~(\$2,500)~~ **(\$5,000)** and not more than ~~twenty-five~~ **fifty** thousand
 dollars ~~(\$25,000)~~ **(\$50,000)** per day of violation; or
- (2) if the conviction is for a violation committed after a first
 conviction of the person under this section (or IC 13-7-13-3(a)
 before its repeal), a fine of not more than ~~fifty one~~ **hundred**
 thousand dollars ~~(\$50,000)~~ **(\$100,000)** per day of violation.

SECTION 16. IC 13-30-6-3 IS AMENDED TO READ AS
 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 3. (a) A person who
 knowingly:

- (1) transports any hazardous waste to a facility that does not have
 an operation permit or approval to accept the waste;
- (2) disposes, treats, or stores any hazardous waste without having
 obtained a permit for the waste; or
- (3) makes a false statement or representation in an application, a
 label, a manifest, a record, a report, a permit, or other document
 filed, maintained, or used under environmental management laws
 with regard to hazardous waste;

commits a Class D felony.

(b) Notwithstanding IC 35-50-2-7(a), a person who is convicted of
 a Class D felony under this section may, in addition to the term of
 imprisonment established under IC 35-50-2-7(a), be punished by:

- (1) a fine of **not less than two thousand five hundred dollars**
~~(\$2,500)~~ **and** not more than ~~twenty-five~~ **fifty** thousand dollars
~~(\$25,000)~~ **(\$50,000)** for each day of violation; or
- (2) if the conviction is for a violation committed after a first
 conviction of the person under this section, IC 13-30-6-1,
 IC 13-30-6-2, or IC 13-7-13-3 (before its repeal), a fine of not
 more than ~~fifty one~~ **hundred** thousand dollars ~~(\$50,000)~~
~~(\$100,000)~~ per day of violation."

Page 7, between lines 14 and 15, begin a new paragraph and insert:
 "SECTION 19. [EFFECTIVE UPON PASSAGE] (a) As used in
 this SECTION, "department" refers to the department of
 environmental management.

(b) The department shall prepare a report that includes the
 following:

(1) A comprehensive and detailed report that:

(A) describes plans for restoration of the White River; and

(B) sets forth the department's recommendations for
 changes in statutes, rules, or procedures and practices of
 the department to:

(i) reduce the probability of contamination events; and

(ii) improve the timeliness and efficiency of protocols and
 procedures for notice to affected entities if such an event
 occurs in the future.

(2) A complete list of all events of contamination of waters of
 the state after December 31, 1994, in which fish or other
 aquatic species were killed and in which civil penalties were
 imposed under IC 13-30-4 (or under the law that governed the
 imposition of civil penalties before the enactment of
 IC 13-30-4), including the following:

(A) a description of the contamination event;

(B) the date the contamination event occurred;

(C) the entity on which the civil penalty was imposed; and

(D) the total amount of the civil penalty imposed.

(c) Before September 1, 2000, the department shall deliver the
 report described in subsection (b) to:

(1) the executive director of the legislative services agency for
 distribution to members of the legislative council;

(2) the environmental quality service council;

(3) the governor; and

(4) the lieutenant governor.

(d) The environmental quality service council shall:

(1) study the report delivered to it under subsection (c); and

(2) make recommendations to the general assembly before
 January 1, 2001."

Renumber all SECTIONS consecutively.

(Reference is to ESB 431 as printed February 17, 2000.)

Representative Kruzan